

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**UNITED STATES OF AMERICA**

Hon. Stanley R. Chesler

**v.**

Crim. No. 12-290

**MARTIN J. VILLALOBOS,**

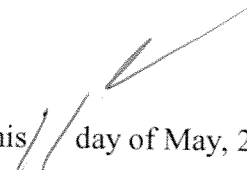
**DETENTION ORDER**

**Defendant.**

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This matter having been opened to the Court on the motion of defendant Martin Villalobos (by Timothy Donohue, Esq.), pursuant to 18 U.S.C. § 3145, appealing the detention order of Magistrate Judge Patty Shwartz, dated January 27, 2012, and this Court having held a *de novo* hearing thereon on May 7, 2012, and reviewed documentary and video evidence submitted by the Government (Joseph B. Shumofsky, Assistant U.S. Attorney) in connection therewith, this Court makes the following findings:

- i. the defendant is charged with receipt and possession of child pornography, in violation of 18 U.S.C. § 2252A;
- ii. there is a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community, pursuant to 18 U.S.C. §§ 3142(e) and (f)(1)(E);
- iii. clear and convincing evidence exists that the defendant is a danger to another person and the community, based on the facts presented, including the documentary and video evidence;
- iv. a preponderance of the evidence exists that the defendant is a serious flight risk because, based on the nature of the charges and the facts presented, if convicted, the defendant will face a significant sentence;
- v. based on the bail package that the defendant has offered, and the facts and arguments in support thereof, the defendant has failed to rebut the presumption of detention; and
- vi. having considered the factors set forth in 18 U.S.C. § 3142(g), no condition or combination of conditions will reasonably assure the appearance of the defendant as required or the safety of any other person or the community.


IT IS, therefore, on this  day of May, 2012,

ORDERED, pursuant to 18 U.S.C. §§ 3142 and 3145, that the motion of the defendant seeking to overturn Magistrate Judge Patty Shwartz's detention order is hereby denied, and the defendant is hereby ordered detained pending trial in this matter; and it is further

ORDERED, pursuant to 18 U.S.C. § 3142(i), that the defendant be confined in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal; and it is further

ORDERED, pursuant to 18 U.S.C. § 3142(i), that the defendant be afforded reasonable opportunity for private consultations with counsel; and it is further

ORDERED, pursuant to 18 U.S.C. § 3142(i), that, upon order of this or any other court of the United States of competent jurisdiction or on request of an attorney for the United States, the defendant shall be delivered to a United States Marshal for the purpose of appearances in connection with court proceedings.

  
HONORABLE STANLEY R. CHESLER  
United States District Judge